

**State of Connecticut Siting Council**

**IN RE:**

**APPLICATION OF HOMELAND TOWERS, LLC AND  
NEW CINGULAR WIRELESS PSC, LLC d/b/a AT&T FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE CONSTRUCTION  
MAINTENANCE, AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT ONE OF TWO  
SITES IN THE TOWN OF KENT, CONNECTICUT**

**DOCKET NO.488**

**July 16, 2020**

**TESTIMONY OF R. BRUCE HUNTER, MAI**

R. Bruce Hunter, MAI, hereby testifies as follows:

**1. Are you over the age of 18 and do you understand that your testimony to the Siting Council must be truthful?**

**Answer:** Yes as to both.

**2. Please describe your professional qualifications and experience.**

**Answer:** I am R. Bruce Hunter, a Certified General Real Estate Appraiser and Certified Revaluation Supervisor based in Farmington, Connecticut. I hold the MAI designation from the Appraisal Institute. Over the last 36± years, I have completed narrative appraisal reports for a wide variety of properties in Connecticut, including: residential, commercial, income-producing, and industrial properties. I have also performed neighborhood impact studies and appraisal reviews. I have been an expert witness in the Connecticut Superior Courts and in Federal Court. Additionally, I have taught many appraisal courses as an Adjunct Professor at the University of Connecticut as well as through the Appraisal Institute. A detailed recounting of my education and qualifications is available at the end of my report (see attached Exhibit A).

**3. What is your involvement in this Siting Council matter?**

**Answer:** I have been retained to assess the effect that the proposed cellular tower and facility on Site A may have on neighboring properties. I did this by conducting a neighborhood impact study.

#### **4. What is a “neighborhood impact study”?**

**Answer:** A neighborhood impact study is the process by which an appraiser reviews an existing or proposed property use to determine if that use may or may not have a detrimental impact on property values or on the character of the neighborhood. This includes a wide variety of factors, and may very well include environmental factors, including considering ridgeline views, scenery, forest, outdoor recreational, and other such amenities. Particularly in a rural residential area, harms to these natural resources and amenities are expressed in the marketplace as a loss in value to a particular piece of property due to reduced desirability. A more detailed discussion is available on the first page of my report (Exhibit A).

#### **5. Did you perform a neighborhood impact study in relation to the proposed Site A property on Bald Hill Road in Kent?**

**Answer:** Yes, I considered the impact on value, if any on five improved properties, all are within 600± feet of the proposed Site A compound. In doing so, I compared what the value of those properties would be if the proposed tower and facility were built on Site A, versus without the proposed facility. All of the properties I considered were rural and residential in nature. Those properties were:

- Peter Fitzpatrick: 15 Bald Hill Road
- Melanie Ough: 25 Bald Hill Road
- Matthew and Bonnie Harris: 2 Bald Hill Road
- Alexandra DiPentima: 22 Bald Hill Road
- Peter Kirkiles and Melissa Holcombe: 26 Bald Hill Road

This impact study looked at the totality of the factors, including but not limited to environmental factors such as nearby forest, scenery, views of ridgelines, and outdoor recreational activity. Such environmental factors figure substantially because this is a rural, residential area. These were not the only factors, but they were important to consider. A more detailed explanation is available in my attached report (Exhibit A).

#### **6. What do you mean by the “detrimental effect” of a proposed property use in a neighborhood?**

**Answer:** Simply put, it is the measure of the effect of damages of a proposed use in the neighborhood, which is derived from looking at the difference in value of nearby properties with the proposed use, versus without the proposed use. When I say this, I look at the value of these properties in a long-term sense because the proposed tower is a long-term development, not in

terms of short-term spikes or dips in value, such as brief surges in price for temporary situations such as coronavirus outbreaks, unrest, etc. in the subject or other locations like New York City. In doing so, I have not biased my determination of value impact(s) by placing weight on artificial upticks or dips that may be caused by unique short-term issues driven by Covid-19.

Studies have shown that the detrimental effect of cell towers on house prices in residential neighborhoods can be far-reaching. In the case of one study from Florida, the reach was 656 feet from the site, and in New Zealand, a detrimental effect was present up to 1,000 feet from the cell tower site. These studies are reviewed on pages 5 and 6 of my report (Exhibit A).

**7. Assume that the proposed tower and facility, as presented in the Application before the Council, is constructed on Site A. What would the result be, according to your neighborhood impact study?**

**Answer:** The detailed results appear on page 15 of my report (Exhibit A). But briefly, the aggregate loss in value to the properties in the immediate area would be \$234,000. Of that loss:

- \$91,250 would be lost from the value of the Fitzpatrick property
- \$51,000 would be the value loss to the Ough property.
- \$45,000 would be the value loss to the DiPentima property.
- The Kirkiles/Holcombe and the Harris properties would have losses just below \$30,000 and \$20,000, respectively.

Essentially, an industrial/commercial type use is being imposed on a rural, residential neighborhood, to the detriment of the properties I examined. This detriment is especially profound as to the Fitzpatrick property. The loss to the Ough and DiPentima properties is also considerable.

In the course of my work, I reviewed several other studies I have conducted in various locations on how proximity to similar cell/communications towers and to substation facilities can harm residential values. I discuss these studies in my report (Exhibit A) in detail.

What is remarkable in this case is just how incongruent the proposed Site A use is for this particular neighborhood — a rural and residential area, and just how harmful it would be to neighboring property values.



**8. How do environmental factors, such as ridgeline views, scenery, forested areas, outdoor recreational resources and similar factors figure into this?**

**Answer:** The studied properties derive a substantial portion of their desirability from the rural character and environmental amenities of the neighborhood. Many of the people who want to buy a rural residential property, such as those I examined, rely on the availability of those amenities. They often rely on local zoning rules to protect them in this respect. When an incongruent cell tower and associated industrial-like base compound is imposed on such a rural, residential area, it harms property values, in substantial part, because of the loss to environmental amenities. Overall, in a rural residential area, the natural environment is very important to property values. In such an area, when you harm those natural amenities, you harm desirability, and in turn, that harm is expressed as a loss in value.

**9. The Siting Council pointed out to the Bald Hill Road neighbors in previous interrogatories that a house could feasibly have been put on the Site A property, and that this would represent development as well. How is a house on Site A different from the use that the Applicants propose?**

**Answer:** The construction of a single family dwelling on the 1.99-acre property identified as Site A would be consistent with other similar uses in the neighborhood. It would not involve construction of such a tall structure, which would disrupt the ridgeline. It would also not involve a commercial/industrial-like base compound use of the property and would be subject to local zoning rules, which generally have certain environmental protections built-in. In sum, constructing a residence on Site A would not have a harmful effect on neighboring property values. Conversely, the imposition of a monopole cell tower and equipment compound which does not conform to Zoning requirements will have a demonstrable effect on marketability and value on nearby properties. All of this is squeezed onto a 1.99-acre lot, which is too small for such a use without directly impacting other properties.

**10. Based on your review of the Kent Zoning Regulations, how would the proposed cell tower and compound not be in conformity with those regulations**

- The proposed cell phone tower lot (1.99± acres) does not comply with the required 3-acre minimum lot size for such use.
- The smaller lot size and configuration of the proposed cell tower site does not allow for the proposed tower to comply with the required tower set back of 120 percent of the height of the tower from all property lines. In fact, wherever the cell tower is placed on this lot, the fall zone will encroach on adjacent properties.
- Additionally, the plans include a 6' x 6' cabinet area as well as total of 5 "future equipment areas" totaling 12' x 20' each or a total of 1,200 SF of proposed building area(s), far in excess of the maximum allowed 750 SF of gross floor area.

**11. As the cell tower Fall Zone would encroach onto adjoining properties, are there other damages that you considered in your analysis?**

**Answer:** Yes.

In addition to the proximity harm to values I discussed above, is that the "Fall Zone" of the proposed tower would significantly (127± feet) encroach onto the Fitzpatrick property and will constrain about 16,730 SF, or 0.384± acre without an easement allowing such an encroachment. . Although representations may be made that the proposed communications tower may have a break point, with a smaller effective Fall Zone, there are no 100% guarantees that can be made that the proposed 154' tower may not fall to its entire length. Therefore, the entire 154' tower fall zone must be considered in its effect on the surrounding impacted properties.

**12. Please assume that, for whatever reason, the tower fell whole (for example, see attached news article Exhibit B). What would be the result of such a forced "fall zone" on the Fitzpatrick property?**

**Answer:** If approvals for the cell tower are granted, it is my opinion that imposing this 'Fall Zone' area across a neighboring property results in a Regulatory Taking, without Just Compensation being paid to the property owner.

**13. In your opinion as an appraiser and considering the "Bundle of Rights" associated with the ownership of property, are there any questions that you believe are raised by such a regulatory taking?**

First, does the CT Siting Council have the statutory right to impose an effective easement, which would take and transfer a portion of the ownership of private property (owned by Fitzpatrick) to another private property owner (ATT)?

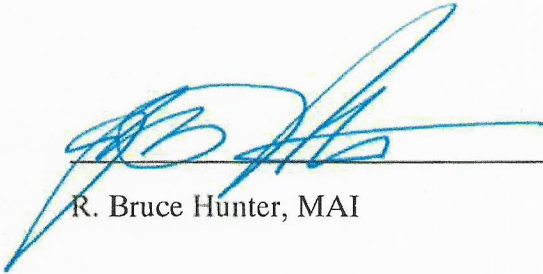
Second, even if the CT Siting Council has that right, how is the issue of Just Compensation resolved, where direct damages will occur through the imposition of a Fall Zone impact area?

**14. Assuming that approvals are granted for the cell tower as proposed, do you have an opinion as to the damage caused directly to the Fitzpatrick property by such a taking?**

Yes, As discussed in my Neighborhood Impact Report (Exhibit A), the direct impact of such a take of the portion of the Fitzpatrick property through the imposition of an effective easement by the Siting Council if approvals for this project are granted is estimated to be \$14,400.

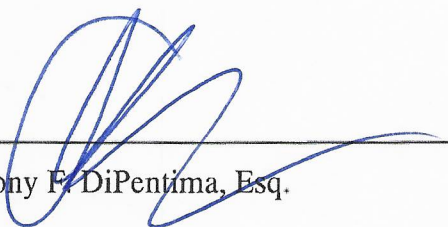
**15. If approvals for the cell tower and associated compound are granted by the CT Siting Council, what is your opinion of the total damages imposed on to the Fitzpatrick property?**

It is my opinion that, if the proposed cell tower is built, the improvements and rights taken will impose significant adverse effects upon the existing neighborhood and their property values. In particular, the **Fitzpatrick property will have a total impact on value of \$105,650** (\$91,250 locational impact plus a \$14,400 direct easement imposed by a fall zone encroachment).

  
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R. Bruce Hunter, MAI

07/16/2020  
Date

This testimony is hereby respectfully Submitted through counsel for the Bald Hill Road Neighbors,

By   
\_\_\_\_\_  
Anthony F. DiPentima, Esq.

7/16/20  
Date

By Michael D. Rybak, Jr.  
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## CERTIFICATE OF SERVICE

I hereby certify that a true, original copy, of the foregoing were placed in the U.S. Mail on this 16th day of July 2020 and addressed to:

Ms. Melanie Bachman  
Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

I further certify that an electronic copy of the foregoing was sent to:

siting.council@ct.gov

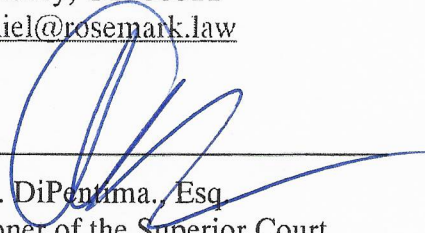
And I certify that electronic copies of the foregoing were sent to:

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Commissioner of the Superior Court